Supreme Court, U. S.
FILED
AUG 23 1976
MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE

UNITED STATES

October Term, 197____

No. 76-107

CARL C. SMITH,
Appellant,

VERSUS

LINDA SMITH,

Appellee.

On Appeal From The Supreme Court of Oklahoma

MOTION TO DISMISS

G. WENDELL CATHEY
FIRST NATIONAL BANK BUILDING
DURANT, OKLAHOMA 74701
Attorney for Appellee

August, 1976

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Pursuant to Rule 16 (1) of the Rules of the Supreme Court of the United States, Linda Smith the Appellee herein moves this Court to dismiss with cost the appeal taken to this Court by Carl C. Smith, Appellant, upon the following grounds.

1. The appeal does not present a substantial federal question.

2. The federal question sought to be reviewed was not expressly passed on.

3. The judgment rests on an adequate non-federal basis.

Dated August, 1976.

Respectfully submitted,

G. Wendell Cathey

G. Wendell Cathey
First National Bank
Building
P. O. Box 955
Durant, Oklahoma 74701

Attorney for Appellee

August, 1976

I, G. Wendell Cathey, the attorney for Linda Smith, Appellee herein, and having on file his Petition for Admission to the Bar of the United States Supreme Court, hereby certify that on the 19 day of August, 1976, I served three copies of the foregoing Motion to Dismiss to the Supreme Court of the United States on the party, Appellant Carl C. Smith, as follows: On Carl C. Smith, Appellant, by mailing three copies of the Motion to Dismiss in a duly addressed envelope with postage prepaid to Mr. Warren Gotcher of Gotcher, Gotcher and Gotcher, 325 East Parkway, McAlester, Oklahoma 74501.

It is further certified that all parties to be served have been served.

G. Wendell Cathey

G. WENDELL CATHEY

Attorney for Linda Smith,
Appellee.